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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,128	06/25/2004	James Surjan	P25,624A USA	7387
7590 09/22/2009				
Joseph Posillico Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER SELLERS, ROBERT E	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 09/22/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,128

Applicant(s)

SURJAN, JAMES

Examiner

ROBERT SELLERS

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is responsive to the Request for Continued Examination, amendment and 37 CFR 1.132 declaration filed August 11, 2009.

The text of the basis for non-statutory double patenting and section 103(a) of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed November 17, 2006.

1. Claims 20-31 and 36-38 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Surjan et al. Patent Nos. 6,291,555 (claims 1-19), 6,403,678 (claims 1, 2 and 8-10) or 6,420,458 (claims 1-12 and 23-26, Surjan et al. '555, '678 and '849, respectively) in view of Coleman et al. Patent No. 6,166,849 and Morgan et al. Patent No. 5,681,128.
2. Claims 32-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of the Surjan et al. patent set forth hereinabove in view of Gienau et al. Patent No. 6,645,340 and Hartman et al. Patent No. 5,962,602.

The rejections are maintained for the reasons of record set forth in the previous Office actions. The filing of terminal disclaimers upon an indication of the allowability of the instant claims has been considered. However, the claims cannot be allowed until they are filed.

3. Claims 20-31 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surjan et al. '555, '678 and '458 and Surjan et al. Patent Nos. 6,402,434 and 6,416,246 in view of Coleman et al. and Morgan et al.

Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims hereinabove, and further in view of Gienau et al. and Hartman et al.

The rejections are maintained for the reasons of record set forth in the previous Office actions.

4. Claims 20-31 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al., Morgan et al., Gienau et al., Hartman et al., European Patent No. 488,949; the Toussaint et al. article, Grieves et al. Patent No. 4,623,702 and Japanese Patent No. 2000-273354.

The rejections are maintained for the reasons of record set forth in the previous Office actions.

5. New claim 38 requires a weight ratio of first and second aliphatic amines of from about 1:1 to about 3:1. It would have been obvious to use a mixture of aliphatic amines of the Surjan et al. patents as taught by the Coleman et al. (col. 4, lines 65-66, "a plurality of curing agents may be combined to cure a given resin") and Morgan et al. (col. 8, lines 9-10 disclosing a duo of latent high temperature and latent intermediate temperature curing agents) at a conventional 1:1 weight ratio in order to optimize the cure.

6. The 37 CFR 1.132 declaration compares an adhesive allegedly representative of the claims designated as "New G5" with an adhesive known in the art labeled as "Existing G5." There is no identification of the types and amounts of the epoxy resin, individual aliphatic amines in the mixture, tertiary amine and other additives in both G5 adhesives to ascertain the validity of the comparison wherein all variables are held constant except for the claimed plurality of amines vs. the individual aliphatic amines exemplified in the primary references.

7. The evidence is not commensurate in scope with the claims regarding a representative sampling of the myriad combinations of aliphatic amines set forth in the specification on page 8, lines 12-23.

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Monday to Friday, 9:30 to 6:00

/Robert Sellers/
Primary Examiner
Division 1796

rs
9/21/2009